

NOTICE OF INTERLOCUTORY APPEAL

The Honorable Loretta A. Preska – Sr. Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St. New York, NY 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 08/17/2023

[DATE – 05/26/23]

[SENT VIA EMAIL - preskanysdchambers@nysd.uscourts.gov]

Re: 13CR43 USA v. William R. Cosme, Notice of Interlocutory Appeal

Notice of Interlocutory Appeal pursuant to 28 U.S. Code § 1292(a)(1) - Immediately Appealable - order “granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions” is immediately appealable. 28 U.S.C. § 1292(a)(1).

NOTICE OF INTERLOCUTORY APPEAL pursuant to 28 U.S.C. § 1292(a)(1) is hereby given in the UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK stemming from a DENIAL ORDER dated and filed 05/26/23 dkt.(542).

DENIAL OF dkt. (542) occurred on 06/20/23

William R. Cosme,

/s/

William R. Cosme

(631) 984-0912

Defendant Contact Info:

William R. Cosme – 67795-054

CORE SERVICES

104 Gold St.

Brooklyn, NY 11201

Cc: Stephanie Carvlin, AUSA Noah Solowiejczyk

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): ORIGIN CASE 13CR43 Caption [use short title]

Motion for: NOTICE OF INTERLOCUTORY APPEAL

USA

V.

Set forth below precise, complete statement of relief sought:

____ The district court failed to docket the attached notice of
interlocutory appeal to Vacate, Modify, Injunctions.

WILLIAM R. COSME

MOVING PARTY: William R. Cosme OPPOSING PARTY: USA

☐ Plaintiff ☒ Defendant

☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: _____ **OPPOSING ATTORNEY:** AUSA Solowiejczyk

[name of attorney, with firm, address, phone number and e-mail]

William R. Cosme - 67795-054	1 St. Andrew's Plaza
CORE SERVICES	NY, NY 10007
104 Gold St.	

Brooklyn, NY 11201 CELL - (631) 984-0912
Court- Judge/ Agency appealed from:

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☐ Yes ☒ No (explain):

Opposing counsel's position on motion: ☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☐ No ☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below? ☐ Yes ☒ No

Has this relief been previously sought in this court? ☐ Yes ☒ No

Requested return date and explanation of emergency: _____
 _____ appellant is entitled to use of non-tainted property
 _____ to pay for his counsels of choice.

Is oral argument on motion requested? ☒ Yes ☐ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No If yes, enter date:

Signature of Moving Attorney:

/s/ William R. Cosme Date: 07/31/23 Service by: ☐ CM/ECF ☒ Other [Attach proof of service]

Dear Clerk, this filing is a NOTICE OF INTERLOCUTORY APPEAL that was filed at the district court but never docketed by the district court or the appellate court. The text below is the date and time stamp of the original filing by email to the D.Ct.

From: Cosmo EMAIL
Sent: Tuesday, August 8, 2023 12:16 AM
To: Temporary Pro Se Filing NYSD
Subject: FW: 13CR43 USA v. WILLIAM R. COSME - INTERLOCUTORY APPEAL

The attached was emailed to you, but never docketed. Please docket and notate the filing error. See thread below for original email sent to Pro se unit.

William R. Cosme

From: Cosmo EMAIL
Sent: Monday, July 3, 2023 2:51 PM
To: Preska, Judge
Cc: Temporary Pro Se Filing NYSD
Subject: 13CR43 USA v. WILLIAM R. COSME - INTERLOCUTORY APPEAL

NOTICE OF APPEAL ORAL ORDER

William R. Cosme

NOTICE OF INTERLOCUTORY APPEAL

The Honorable Loretta A. Preska – Sr. Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St. New York, NY 10007-1312

[DATE – 05/26/23]

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

USA**CERTIFICATE OF SERVICE***Docket Number: NEW CASE

v.

WILLIAM R. COSME

I, William R. Cosme, hereby certify under penalty of perjury that
 (print name)
 on 07/31/23, I served a copy of T-1080, CERTIFICATE OF SERVICE,
 (date)
NOTICE OF APPEAL NOT DOCKETED BY DISTRICT COURT (DOCKET ERROR)
 (list all documents)

by (select all applicable)**

☐ Personal Delivery ☒ United States Mail ☐ Federal Express or other
 Overnight Courier

☐ Commercial Carrier ☐ E-Mail (on consent)

on the following parties:

AUSA - Steven Kochevar	1 St. Andrews Plaza	NY	NY	10007
Name	Address	City	State	Zip Code

Name	Address	City	State	Zip Code
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Name	Address	City	State	Zip Code
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Name	Address	City	State	Zip Code
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*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

**If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

07/31/23

Today's Date

/S/ William R. Cosme

Signature